

Special Village Board Meeting  
October 8, 2019

Members present: Mayor Nuzzolese, Trustees Gurda, Henderson, Scotto, and Smith

Also present: Attorney Donovan, Village Clerk Strobl, and Superintendent Birney

On a motion by Trustee Smith, seconded by Trustee Henderson, the Special Meeting was called to order at 12:10 p.m.

Gurda	aye
Henderson	aye
Scotto	aye
Smith	aye

PLEASE TAKE NOTICE that a special meeting of the Village Board of the Village of Goshen will be held on the 8<sup>th</sup> day of October, 2019 at 12:00 p.m. at the Village Hall, 276 Main Street, Goshen, New York for the purpose of considering the employment history of a particular Village Employee and for taking action regarding the employment status of this particular Village Employee as well as taking such other further action as may be deemed appropriate and necessary by the Village Board.

BY ORDER OF THE VILLAGE BOARD  
OF THE VILLAGE OF GOSHEN

Dated: October 3, 2019  
Goshen, New York

A meeting of the Village Board of Trustees of the Village of Goshen was convened on **October 8, 2019 at 12:10 p.m.**

The following resolution was duly offered  
and seconded to wit:

**RESOLUTION OF THE VILLAGE BOARD FOR THE VILLAGE OF GOSHEN  
ADOPTING THE DECISION AND FINDINGS OF THE HEARING OFFICER AND  
AUTHORIZING THE SEPARATION FROM SERVICE  
OF AN EMPLOYEE**

**WHEREAS**, a certain employee of the Village of Goshen, known by name to members of the Village Board and referred to hereinafter as “the Employee;” and

**WHEREAS**, pursuant to section 71 of the New York Civil Service Law, the Village has the authority to separate an employee from service with the Village if the employee has been absent for in excess of an aggregate one year period by reason of an occupational illness or injury as defined by the NYS Workers’ Compensation Law; and

**WHEREAS**, after soliciting input from the Employee’s labor Union which declined to provide such input, the Village Board adopted a process for separations of service under Section 71 of the Civil Service Law and consistent with the Civil Service Rules for the Classified Service issued by the Orange County Department of Human Resources (“Civil Service Rules”); and

**WHEREAS**, the Village Board authorized and issued the notice of separation from service to the Employee to be effective April 12, 2019 in accordance with Civil Service Law § 71 and the Civil Service Rules; and

**WHEREAS**, in accordance with the Civil Service Rules, the Employee was afforded a hearing to contest the Village Board's decision before such termination became effective; and

**WHEREAS**, a hearing was held before Hearing Officer Hon. William E. Sherwood on August 27, 2019, and at the hearing, the Employee, who was represented by counsel from the CSEA and the Village were afforded the opportunity to present witnesses and evidence with respect to the proposed separation from service of the Employee pursuant to the Section 71 of the Civil Service Law and the Civil Service Rules; and

**WHEREAS**, after the hearing concluded, both the Employee and the Village through their respective counsels were afforded the opportunity to submit post-hearing briefs, which each party submitted to the Hearing Officer for his consideration; and

**WHEREAS**, the Hearing Officer has rendered a Decision based upon the circumstances presented at said hearing and the post-hearing briefs of the parties; and

**WHEREAS**, the Hearing Officer found that the Employee has been absent for over one (1) year cumulatively by reason of an occupational injury as defined in the New York State Workers' Compensation Law; and

**WHEREAS**, the Hearing Officer has determined that pursuant to Section 71 of the New York Civil Service Law, the Village has the authority to separate the Employee from service with the Village and that based upon circumstances presented, separating the Employee from services is entirely appropriate; and

**WHEREAS**, the Village Board desires to adopt the Hearing Officer's Decision in its entirety and to separate the Employee from service; and

**WHEREAS**, if the Employee recovers from such occupational injury in the future, the Employee shall have a right under Section 71 of the Civil Service Law to apply to the Orange County Department of Personnel for a medical examination to determine the Employee's fitness to return to work within one (1) year after the Employee recovers from the occupational injury; and

**WHEREAS**, if, after such medical examination, the Employee is deemed to be fit to return to work, the Employee will be considered for reinstatement to the Employee's position, if vacant, or to a similar position; and

**WHEREAS**, if the Employee cannot be reinstated at that time, the Employee's name will be placed on a preferred list; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Goshen:

- Section 1. All "WHEREAS" clauses are incorporated herein by reference as if set forth fully herein.
- Section 2. The Village Board hereby adopts the Decision and Findings of Hearing Officer William E. Sherwood in its entirety.
- Section 3. The Village Board hereby determines to separate the Employee from employment, which shall be effective immediately, pursuant to Civil Service Law § 71.
- Section 4. The Village Mayor is authorized to execute a letter notice to the Employee substantially in the form annexed hereto, notifying the Employee that

employment of the Employee is terminated pursuant to Civil Service Law § 71.

Section 5. The Village Mayor, or his designee, is hereby authorized to take any actions necessary to carry out the provisions of this Resolution

Section 6. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Ayes	Noes	Abstain	Absent
Mayor Michael Nuzzolese	[ x ]	[ ]	[ ]	[ ]
Trustee Peter Smith	[ x ]	[ ]	[ ]	[ ]
Trustee Christopher E. Gurda	[ x ]	[ ]	[ ]	[ ]
Trustee Daniel Henderson	[ x ]	[ ]	[ ]	[ ]
Trustee Anthony Scotto	[ x ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**BY ORDER OF THE VILLAGE BOARD OF  
THE VILLAGE OF GOSHEN, NEW YORK**

Dated: October 8, 2019

On a motion by Trustee Gurda, seconded by Trustee Smith, the Meeting was adjourned at 12:20 p.m.

Gurda aye  
Henderson aye  
Scotto aye  
Smith aye